

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Allegation of possession of disproportionate assets and violation of APCS (Conduct) Rules against Sri P. Gopal Reddy, former Commercial Tax Officer, Srikakulam - Charge sheeted in a court of law - Acquitted - Criminal Appeal filed before the High Court of A.P against the acquittal - Expired on 14.10.2010 during pendency of Criminal Appeal - Dropping of further action in the entire case and regularisation of suspension period - Orders - Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No. 1067

Dated:27-08-2011.

Read the following:-

1. From the DG, ACB, Letter No. 125/RCA-HRG/93, Dated 29.11.1996.
 2. G.O.Ms.No.622, Revenue (CT.I) Dept. Dt: 24.7.1997.
 3. Memo No.97964/CT.I(1)/1993-2, Revenue (CT.I) Department, Dated 19.4.1997.
 4. From the DG, ACB, Letter No.125/RCA/HRG/93, Dated 20.9.1997.
 5. G.O.Rt.No.2299, Revenue (CT.I) Dept. Dt: 15.12.1997.
 6. G.O.Rt.No.1462, Revenue (CT.I) Dept. Dt:12.10.2000.
 7. Judgment of the Addl. Special Judge for SPE & ACB Cases, Hyderabad, dated 31.12.2002 in CC No. 14 of 1997.
 8. From the DG, ACB, Letter No.125/RCA/HRG/93-S3, Dated 15.4.2003.
 9. Govt. Memo No. Is/5946/Vig. I(1)/97-9, Revenue (Vig. I) Dept., Dt:22.04.2003.
 10. D.O. Letter NO. 12/M.COI.DR/2003, Dated 19.8.2003.
 11. From the A.P. Administrative Tribunal, orders, dated 9.12.2005 in OA.No. 651/2005 filed by Sri P. Gopal Reddy, C.T.O (Retd.).
 12. Govt. Memo No.Is/5946/Vig. I(1)/1997-22, Rev.(Vig.I) Dept., Dt:21.7.2006.
 13. From the DG, ACB, Letter No. 125/RCA-HRG/1993, Dated 13.6.2011.
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ORDER:

On the allegation of acquisition of assets disproportionate to the known sources of income against Sri P. Gopal Reddy, Commercial Tax Officer, Srikakulam, while he was working as Secretary, Sales Tax Tribunal, A.P, Hyderabad, the appropriate investigating agency ie., Anti-Corruption Bureau has registered a case in Crime No.11/ACB-HR/93 under section 13 (2) read with 13 (1)(e) of Prevention of Corruption Act 1988 and investigated into the same. The Director General, Anti-Corruption Bureau has furnished final report in the reference 1st read above along with his recommendations. Government have accorded sanction for prosecution of Sri P. Gopal Reddy,

p.t.o.,

formerly Commercial Tax Officer, Srikakulam, in a court of law vide reference 2nd read above as recommended by the Director General, Anti-Corruption Bureau. The Commissioner, C.T, AP, Hyderabad was also requested to initiate departmental action against the individual for violation of conduct rules, vide reference 3rd read above, as the individual failed to obtain prior permission from the competent authority; before acquisition of certain assets, as recommended by the Director General, Anti-Corruption Bureau, Hyderabad.

2. In the reference 4th read above, the Director General, Anti-Corruption Bureau, Hyderabad has informed that the charge sheet was filed against the Accused Officer Sri P. Gopal Reddy, Commercial Tax Officer in the Court of Addl. Special Judge for SPE & ACB Cases, Hyderabad on 18.9.1997 and he has recommended to place the individual under suspension; pending disposal of the criminal case, in terms of instructions issued in Memo No. 220/Ser.C/89-1, General Administration Department, Dt: 8.3.1989. Accordingly, Sri P. Gopal Reddy, Commercial Tax Officer was placed under suspension vide reference 5th read above and while continuing under suspension, Sri P. Gopal Reddy, CTO retired from service on attaining the age of superannuation on 30.4.1998. He was also sanctioned provisional pension, vide reference 6th read above.

3. In the reference 7th read above, the Addl. Special Judge for SPE & ACB Cases, Hyderabad pronounced the judgment and acquitted Sri P. Gopal Reddy, Commercial Tax Officer (Retd.). In the reference 9th read above, based on the proposal of Director General, Anti-Corruption Bureau, Government have accorded permission to the Director General, Anti-Corruption Bureau to file an appeal in the High Court of A.P against the above acquittal. Accordingly, the DG, ACB has filed Criminal Appeal No.772 of 2003 before the High Court of A.P.

4. In the reference 10th read above, the Member, Commissioner of Inquiries has furnished inquiry report conducted into the charges framed against Sri P. Gopal Reddy, Commercial Tax Officer (Retd.) on violation of conduct rules. The Inquiring Authority, in his inquiry report, has held that the charges are not held proved against the individual. After examination of the matter, it was decided to keep the inquiry report in abeyance till the outcome of the Criminal Appeal pending in the High Court of AP.

5. Sri P. Gopal Reddy, Commercial Tax Officer (Retd.) has approached the A.P. Administrative Tribunal and filed O.A.No. 651/2005 for releasing his pensionary benefits. In the reference 11th read above, the A.P. Administrative Tribunal, while disposing off the O.A, have directed the respondents to release the pensionary benefits to the applicant, as admissible under rules. While the matter is under examination, the individual has filed C.A.No.495/2006 before the A.P. Administrative Tribunal for not implementing the orders of A.P. Administrative Tribunal. After examination, Government have issued necessary directions to the Commissioner, Commercial Taxes, AP, Hyderabad to release pensionary benefits, as admissible under rules to the individual; subject to outcome of the Criminal Appeal pending before the High Court of A.P, vide reference 12th read above. Thereafter, the A.P. Administrative Tribunal in its orders dt:2.7.2009 closed the above Contempt Application in view of the release of pension and gratuity.

Contd..at P.3.,

6. In the reference 13th read above, the Director General, Anti-Corruption Bureau has informed that the High Court of AP in its orders, dt:31.1.2011 dismissed the Crl. Appeal No. 772/2003 as “abated”, since Sri P. Gopal Reddy, Commercial Tax Officer (Retd.) expired on 14.10.2010 and informed that it is not a fit case to prefer SLP in the Supreme Court of India and requested the Government to take further action in the matter.

7. Government, after careful examination of the matter and in view of the abatement of the case by the High Court of A.P in Criminal Appeal No.772/03, hereby drop further disciplinary action in the entire case in respect of Sri P. Gopal Reddy, Commercial Tax Officer (Retd. & Expired) and to treat the period of suspension undergone by the individual from 15.12.1997 to 30.4.1998 as “on duty” in terms of FR 54-B.

8. The Commissioner of Commercial Taxes, AP, Hyderabad, shall take necessary further action to release the pensionary benefits of the deceased, if any, still pending keeping in view the position mentioned at para 5 above and also monetary benefits for the above suspension period, now treated as “on duty” to the legal heirs of the deceased, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Commercial Taxes, A.P, Hyderabad.

Copy to:

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to VC, A.P. Vigilance Commission, Hyderabad.

PS to Principal Secretary to Government, Revenue Department.

Revenue (CT-I) Department

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//Forwarded :: By Order //

SECTION OFFICER.